IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE TWENTY EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT APPEAL NO : 284 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 19/12/2003 in WP NO : 12744 OF 2003 on the file of the High Court.)

Between:

1 Gugalothu Balya, s/o Sothya,
r/o Noradavi Thanda Village Mothe Mandal, Nalgonda District.
2 G.Seetharamulu, s/o Bane,
r/o Noradavi Thanda Village, Mothe Mandal, Nalgonda District.
3 Gugalothu Reddya, s/o Jamla,
r/o Noradavi Thanda Village, Mothe Mandal, Nalgonda District.
4 G.China Namya, s/o Bhoja,
r/o Noradavi Thanda Village, Mothe Mandal, Nalgonda District.
5 G.Bichya, s/o Pedananu,
r/o Noradavi Thanda Village, Mothe Mandal, Nalgonda District.
6 G.Bichya, s/o Hatya,
r/o Noradavi Thanda Village, Mothe Mandal, Nalgonda District.
7 M.Keshavareddy, s/o Narasimhareddy,
r/o Noradavi Thanda Village, Mothe Mandal, Nalgonda District.
8 Kudti Venkatareddy, s/o Rangareddy,
r/o Noradavi Thanda Village, Mothe Mandal, Nalgonda District.
9 Byreddy Haryana Reddy, s/o Appaiah,
r/o Noradavi Thanda Village, Mothe Mandal, Nalgonda District.
10 Kosrra Amru, s/o Bodiya,
r/o Noradavi Thanda Village, Mothe Mandal, Nalgonda District.
11 Korra Hatya, s/o Bodiya,
r/o Noradavi Thanda Village, Mothe Mandal Nalgonda Dist. (All the petitioners are
agriculturists and r/o Noradavi Thanda Village, Mothe Mandal, Nalgonda District belonging to Scheduled Tribe Community (Lambada)

..... APPELLANT(S)

AND

1 The Government of A.P., rep., by its Secretary, Revenue Department, Secretariat,
Hyderabad.
2 The District Collector, Nalgonda District.
3 The Superintending Engineer, Panchayat Raj, Nalgonda District.
4 The Revenue Divisional Officer, Suryapet, Nalgonda District.

.....RESPONDENT(S)

Counsel for the Appellants:MR.P.V.RAMANA

Counsel for the Respondent Nos.1,2 and 4: GP FOR REVENUE

Counsel for the Respondent No.3: G.P. for Panchayat Raj

The Court made the following Oral Judgment : (per Sri Devinder Gupta, CJ)

Writ Petition of the appellants was dismissed on the assertion made by the respondents that the land was laid in the year 1978 on the request of the villagers and there was no proposal to acquire the lands of the appellants for formation of the road. The respondents also stated that the lands were taken over only in the year 1978 and none of the appellants had made any claim for payment of compensation at that stage.

Since the road was formed with the request of the villagers for their convenience, there is no question of now paying any compensation. The allegation of the appellants that certain markings were made for formation of new road in December, 2002 was specifically denied. In this view of the matter, learned single judge declined to pass any orders in the writ petition, but, reserved liberty to the appellants to approach the competent Court of Civil jurisdiction against Panchayat Raj Department or Revenue Department, as the case may be, seeking damages to the property, in case, it has been caused after formation of the road subsequent to the year 1978 or there has been any extension in the existing road. Appellants-writ petitioners have not impleaded Panchayat Raj Department as party to the writ petition.

With such an order of the learned single judge, there is hardly any ground to interfere, inasmuch as there has been a dispute with regard to formation of the road. The disputed question as to whether the road was laid after 1978 or there has been any further extension will have to be proved by leading cogent evidence and only in the event of the appellants proving that, they will be entitled to the relief if any.

The writ appeal is accordingly dismissed. No costs.

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DEVINDER GUPTA,CJ

DATE: 28th February, 2005

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B. SESHASAYANA REDDY,J

Pnb

To

1 The Secretary, Revenue Department,
Government of A.P., Secretariat, Hyderabad.
2 The District Collector, Nalgonda District.
3 The Superintending Engineer, Panchayat Raj, Nalgonda District.
4 The Revenue Divisional Officer, Suryapet, Nalgonda District.

5 Two C.Cs. to the Government Pleader for Revenue, High Court Buildings, Hyderabad. (OUT)

6 Two C.Cs. to the Government Pleader for Panchayat Raj, High Court Buildings, Hyderabad. (OUT)

7 Two C.D. copies